

IDAP REPORT

Property:	101 Juno Parade GREENACRE DA 2020/073
Proposal:	Demolition of existing buildings and construction of a dual occupancy and Strata title subdivision.
Applicant:	Ultra Design & Eng
Owner:	Tannous & Angela Hosni
Date of lodgement:	22 April 2020
Notification period:	24 April 2020 – 20 May 2020
Submissions received:	Nil
Assessment officer:	L Gibson
Estimated cost of works:	\$950,500.00
Zoning:	R2 Low Density Residential- SLEP 2012
Heritage:	N/A
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locality plan. The subject site is outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for demolition of existing buildings and construction of a dual occupancy development and Strata title subdivision.

Site and Locality

The subject site is identified as LOT 44 in DP35501 and is commonly known as 101 Juno Parade, Greenacre. The site is located on the northern side of Juno Parade (refer to Figure 1). The site is a regular-shaped residential allotment comprising a frontage width of 15.85m, a depth of 42.67m and a total site area of 676.32m². The site has a north-south orientation and carries a gentle cross fall to the rear.

The site is currently occupied by a single storey weatherboard dwelling with a pitched terracotta roof and detached garage to the rear (refer to Figure 4). Vehicle access is provided to the site via an existing driveway on the western side of the sites' frontage. The existing streetscape carries no uniformity displaying a variety of dwelling types and styles. The streetscape predominantly features detached dwellings with some examples of dual occupancy development both within the Strathfield Council border and at the Canterbury-Bankstown LGA interface. Building colours, styles and materials also vary presenting with pitched and flat roofed forms with facebrick, render and weatherboard material finishes

Strathfield Local Environmental Plan

The site is zoned R2 –Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 24 April 2020 – 20 May 2020, where no submissions were received.

Issues

- The driveway has been required to be retained as a dual 5.5m wide driveway to the western portion of the site to facilitate forward ingress and egress and to achieve 3m separation from the street tree.
- The design has been amended to reflect a more compatible built form.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/73 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

The application seeks Council approval for demolition of existing buildings and construction of a dual occupancy development and Strata title subdivision.

Demolition

- Single storey dwelling; and
- Detached garage.

The floor plans of each dual occupancy dwelling are identical albeit minor size and external finishes differences.

Ground floor level:

- One (1) car garage;
- Open plan kitchen and family room;
- Living room;
- Bathroom; laundry.

First floor level:

- Three (3) bedrooms; and
- Master bedroom with walk-in-wardrobe and ensuite.

External works:

- Terrace located adjacent to the family living space; and
- Strata subdivision.

Below are extracts from the amended submitted architectural plans:

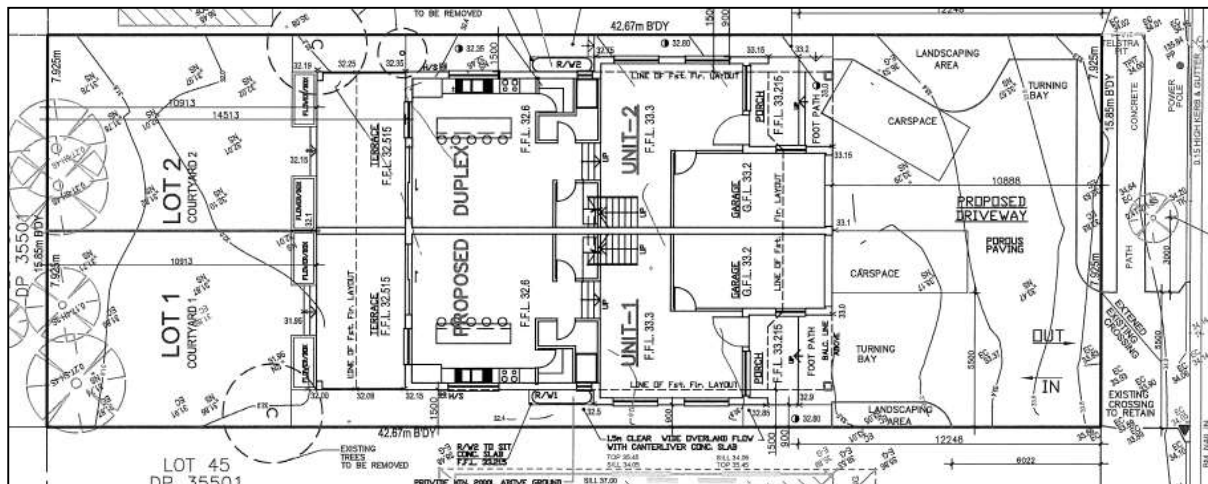


Figure 2: Ground floor plan of proposed development

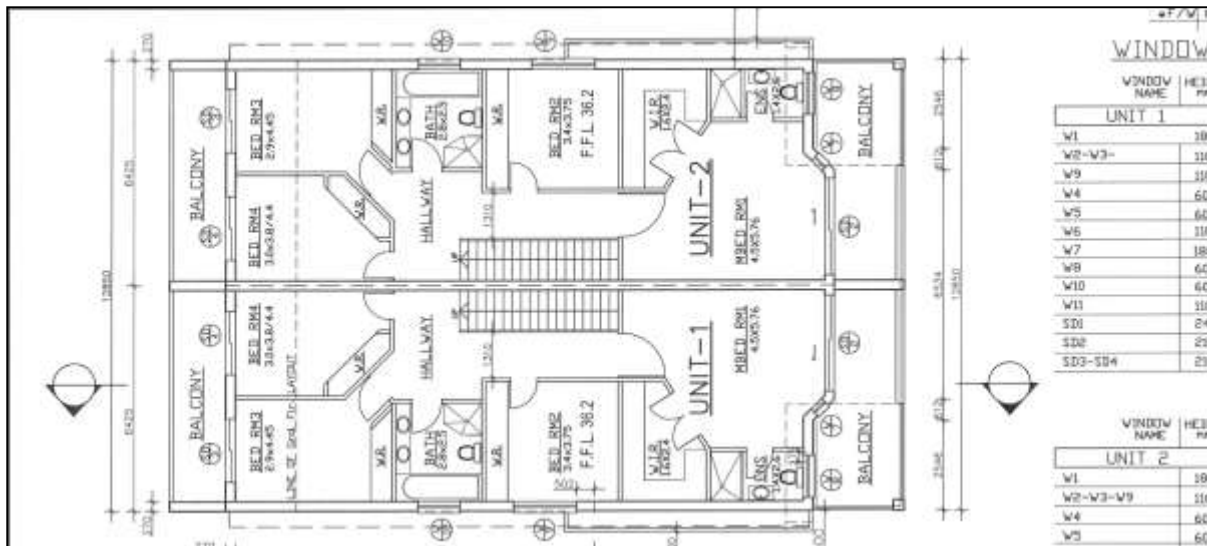


Figure 3: First Floor plan of proposed development

The Site and Locality

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Figure 4: View of the existing dwelling from Juno Parade.

Vehicle access is provided to the site via an existing driveway on the western side of the sites' frontage. The existing streetscape carries no uniformity displaying a variety of dwelling types and styles. The streetscape predominantly features detached dwellings with some examples of dual occupancy development both within the Strathfield Council border and at the Canterbury-Bankstown LGA interface. Building colours, styles and materials also vary presenting with pitched and flat roofed forms with facebrick, render and weatherboard material finishes (refer to Figures 5,6,7 and 8).



Figure 5: Single storey housing stock immediately across subject site.



Figure 6: 103 Juno Parade, Greenacre located immediately west of subject site.



Figure 7: Example of dual occupancy development immediately opposite the site at 106A and 106B Juno Parade, Greenacre.



Figure 8: Example of dual occupancy development immediately opposite the site at 102 Juno Parade, Greenacre.

Background

22 April 2020	The subject application was lodged.
5 May 2020	Site Inspection undertaken by the Assessment Officer.
5 May 2020	Deferral letter sent to the applicant raising concerns for: <ul style="list-style-type: none">• Driveway location/ proposed tree removal;• Streetscape compatibility;• Visual Privacy;• Height of finished floor levels; and

- Additional Information – RE: RLs, inclusion of site boundaries on floor plans, roof plan, front façade details and revised strata subdivision plan.

19 May 2020	Referral comments received from TfNSW identifying concerns for the driveway design and request for amended plans to be submitted.
20 May 2020	Further correspondence sent to Applicant identifying Traffic Manager and TfNSW concerns for driveway design and conflict with street tree.
2 June 2020	Further correspondence sent to Applicant stating that removal of street tree is not supported to accommodate new driveway.
19 June 2020	Amended plans were submitted to Council addressing the matters raised in the deferral letter as well as additional traffic matters.
26 June 2020	TfNSW comments received granting concurrence.

Referrals – Internal and External

INTERNAL REFERRALS

Engineering Comments

Council's Engineer raised no objections, subject to the imposition of the recommended conditions of consent including compliance with the recommendations provided in the submitted Flood Impact Assessment Report.

Landscaping Comments

Council's Tree Coordinator raised objection to the proposal identifying that

“The Brush Box on the nature strip is significant and healthy. This tree should be retained and protected. In this regard the existing driveway crossing and layback should be retained.”

The Applicant was requested to prepare amended plans demonstrating retention of the existing driveway to the far western portion of the site.

The proposed 5.5m driveway achieves a minimum 3m distance from the street tree. No further concerns were raised by Council's Tree Coordinator subject to conditions of consent.

Traffic Comments

The application was referred to Council's Traffic Manager for comment. The following concerns were raised:

A traffic statement is to be provided by a suitably qualified consultant to demonstrate the following:

- *A minimum of 2 car parking spaces are to be provided for each dwelling.*
- *B85 vehicle swept paths with a minimum of 300mm body clearance shall be provided to demonstrate that vehicles are to enter and exit the site in a forward direction and to be kept from any parking spaces.*

- *Only one combined driveway is permitted with adequate clearance from the existing tree.*
- *The proposed driveway location must be supported by a sight distance assessment in accordance with Austroads Guide to Road Design Part 4A where the sight distance is not to be hindered by any obstructions such as trees, vegetation and fence.*
- *Any common area required to provide access and vehicle manoeuvres shall be nominated and clearly indicated on the architecture plans and strata subdivision plan, kept clear from obstructions and not to be used for parking at all times.*

The Applicant submitted revised plans demonstrating that a 5.5m driveway will be provided in the far western frontage of the site (where the existing driveway is currently located), and that a turning bay will be provided in the front setback to accommodate both dwellings.

No further concerns were raised subject to imposition of conditions of consent.

EXTERNAL REFERRALS

Transport for NSW (TfNSW)

The application was forwarded to TfNSW due to the site's direct frontage to Juno Parade (identified as a classified Road). The following concerns were raised:

"TfNSW has reviewed the submission and advises that at this stage concurrence is unable to be provided, due to the following reasons:

1. *TfNSW require the site to provide a singular driveway to service the site, which has been reflected in the plans. However, Council have indicated that the proposed driveway location will result in the removal of a tree.*

As such, TfNSW would support the relocation of the proposed driveway at the western extent of the property for review, which would be subject to:

- a) *Council's satisfaction with the proposed design;*
- b) *Sight distances from the proposed vehicular crossings to vehicles on Juno Parade are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists and motorists; and*
- c) *Vehicles are to enter and exit the site in a forward direction. Swept paths would need to be provided to demonstrate that this can be achieved."*

Amended plans were submitted to TfNSW on 19 June 2020 for comment. TfNSW have granted their concurrence subject to conditions. These have been included in the conditions of consent.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:***
- (i) any environmental planning instrument,***

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012 (SLEP 2012).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

Attached dual occupancy is defined under SLEP 2012 as follows:

“Dual occupancy (attached) means two (2) dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.”

The proposed development for the purpose of dual occupancy (attached) is prohibited in the R2 Low Density Residential zone. However, the site is located within the area identified by Schedule 1 Additional Permitted Uses as Item 1 allowing the development of dual occupancy with consent. Therefore, the proposed development being for the purpose of a dual occupancy (attached) is consistent with the definition above and is permissible on the site with development consent.



Figure 9: Subject site (outlined in yellow) identified within the Additional Permitted Use area Item 1 under SLEP 2012.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5	8.09m	Yes

4.4 Floor Space Ratio	0.60:1 (405.72m ²)	0.485:1 (328.4m ²)	Yes
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Part 5 – Miscellaneous Provisions

There are no provisions contained within Part 5 of the SLEP 2012 that are applicable to the proposed development.

Part 6 – Additional Local Provisions

6.1 Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

6.2 Earthworks

The proposal does not involve any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage or items or features of the surrounding land.

6.3 Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

6.4 Essential Services

Section 6.4 of the SLEP 2012 requires consideration be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been issued for each of the dwellings of the proposed development. The commitments required by the BASIX Certificate have been satisfied.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP 55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of Clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Coordinator for comment. The proposal initially sought construction of a driveway in the centre of the site's frontage would result in the removal of the Council street tree. Through further discussions with the Applicant, the combined driveway was proposed in lieu of two (2) separate driveways which were initially proposed however would not be supported by TfNSW. Alternatively, the proposal has been modified to provide a combined driveway in the location of the existing driveway to avoid impacts on the street tree.

Council's Tree Coordinator has who outlined specific conditions to ensure the protection of the existing street tree.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007 (ISEPP)

The site has a direct frontage to Juno Parade which is identified as a classified road. Accordingly the requirements of Clause 101 of the ISEPP apply.

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The application was referred to TfNSW for comment. TfNSW have issued their concurrence along with conditions of consent. This includes requirements for safe access onto and egress off the property so as not to adversely affect the ongoing operation of the classified road. Conditions of consent have been imposed to reflect as such.

Clause 102 of the ISEPP 2007 requires special consideration for land adjacent a road corridor with an annual average daily traffic volume or more than 20,000 vehicles. Juno Parade incurs an annual throughput of 60,000 vehicles and accordingly, this clause

applies. The subject development being for the purposes of residential accommodation must ensure appropriate measures are taken to ensure that the following

L_{Aeq} levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

A condition of consent is recommended to ensure an Acoustic Report is prepared with appropriate measures undertaken so that all rooms within the development do not exceed the specified L_{Aeq} levels permitted for the site.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Site Coverage	65% (439.53m ²)	64.3% 435m ²	Yes
45 Degree Roof Plane	45 degrees over the site from a height of 4.5m above natural ground level along the side and rear	Proposal within 45 degree roof plane	Yes
Setbacks: Front: Side: Side:	9m Ground: 900mm (min) East and West First floor: 1500mm (min) East and west	10.9m 900mm ground floor 1.5m on first floor 900mm ground floor 1.5m on first floor	Yes Yes
Landscaping			
Landscaping/Deep soil Provisions: Private Open Space Area: Minimum dimension:	40% (270.482m ²) 10m ² 3m	34.81% (235.4m ²)	No – refer below
Solar Access			
POS and habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to	Yes

		50% of POS achieved	
Vehicle Access and Parking			
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	5.5m 1 0.5m 4	Combined 5.5m 1 Nil 4	Yes – a combined driveway for the proposed development is considered appropriate in this instance. 2 parking spaces provided for each dwelling.

Building Envelope and Streetscape

The existing streetscape comprises a mixture of traditional, modern and contemporary dwelling styles (pitched, skillion, flat roof forms) and building materials (exposed facebrick, rendered masonry and timber) resulting in an architecturally varied streetscape. The proposed dual occupancy incorporates an array of these features and materials (brick and rendered masonry) so as to achieve an appropriate design outcome. In particular, the colour tones of the brick and timber are sympathetic to the colour tones of the traditional styled dwellings in the street. The dwellings and combined driveway access are appropriately positioned to ensure the protection of the street tree.



Figure 10: Front Southern Elevation of proposed development

Landscaping and Open Space

Contrary to Section 2.7.1 the proposal provides 34.81% (235.4m²) of deep soil landscaping compared to the 40% (270.482m²) requirement. As previously discussed, the site is heavily constrained by its direct frontage to Juno Parade whereby TfNSW requires all vehicles to enter and exit the site in a forward direction. The design has responded to this through provision of a turning bay in the front setback which consequently results in a substantial shortfall of deep

soil zone through the site. In light of this, the proposal has sought to provide landscaped areas where possible to reduce areas of hardstand space. Having regard for this, the proposal is acceptable in this instance.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

Privacy

During the assessment process, windows were amended in design with some having installed fixed opaque glazing to minimise opportunities for overlooking. The proposed rear facing balconies have been designed solid side elevation walls with a 1.7m height opening above FFL to avoid opportunities for overlooking. The proposed development satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised.

Vehicular access, Parking and Basements

Each dwelling is provided with a single garage and a second car parking space provided within the front setback of the site. The site is heavily constrained by its direct frontage to classified Road (Juno Parade) as well as the Council street tree located directly in front of the property. This has limited opportunities for siting of a dual driveway as well as providing adequate off-street parking for the development. The proposal has been redesigned throughout the assessment process to accommodate a new 5.5m driveway upon the far western-side boundary of the site with a turning bay provided within the front setback (refer below to Figure 11).

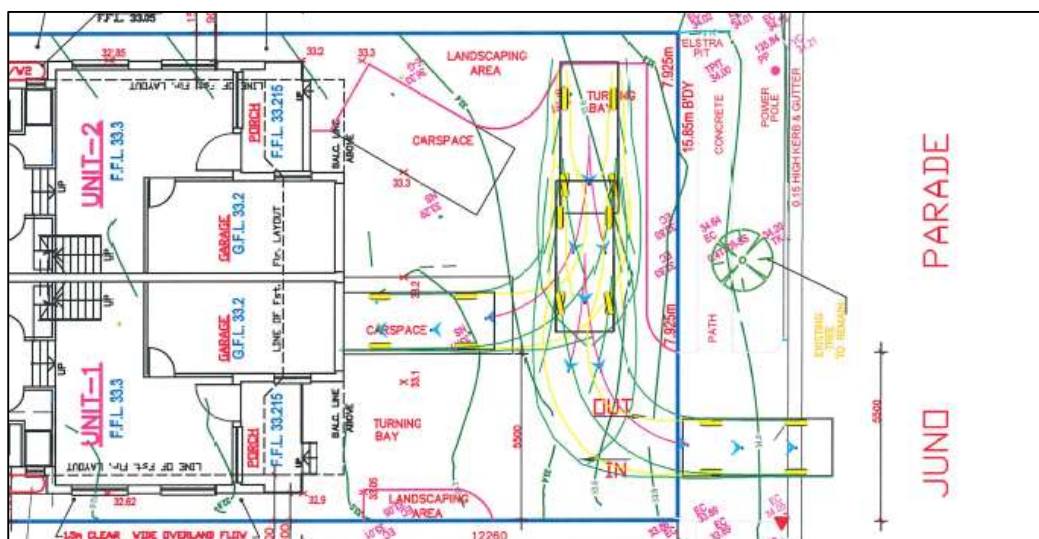


Figure 11: Excerpt from Submitted Vehicle Swept Path Analysis demonstrating driveway location, turning bay and hardstand parking spaces in the front setback of the site.

This is considered the most suitable and appropriate option which best addresses TfNSW requirements for vehicles to enter and exit the site in a forward motion as well as Council's requirements for retention and protection of the street tree located on the Council verge.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDGP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDGP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

PART H – Waste Management (SCDGP 2005)

In accordance with Part H of SCDGP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

PART R – Subdivision (SCDGP 2005)

The proposed strata subdivision component of the subject application seeks to place one dwelling house and garage of the attached dual occupancy onto each proposed allotment. The subject site presents a compliant allotment size of 676.6m² which exceeds the 560m² minimum lot size requirement for dual occupancies. The final subdivision plan shall also include the first level of the dual occupancy development. A condition of consent is recommended to ensure this is imposed.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed development has been designed with consideration of its setting, site constraints and adjoining residential properties. The proposed development, although resulting in minimal opportunities for deep soil zone in the front setback, has been designed to address TfNSW and Council requirements with regard to the driveway and retention and protection of the street tree.

The proposal demonstrates consistency and compatibility with the surrounding built and natural environment and is considered to achieve an acceptable and supportable planning outcome.

Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) *the suitability of the site for the development,*

The proposed development is considered to be suitable to the site given that it involves an attached dual occupancy, ensuring that the low-density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the proposed development. Therefore, the site is suitable for the proposed development.

(d) *any submissions made in accordance with this Act or the regulations,*

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

(e) *the public interest.*

The proposed development is of a scale and character that does not conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$3,013.35
Provision of Major Open Space	\$13,709.85
Provision of Local Open Space	\$3,016.96
Provision Roads and traffic Management	\$0
Administration	\$259.83
TOTAL	\$20,000.00

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2020/073 should be **APPROVED** subject to conditions of consent.

Signed:

**L Gibson
Senior Planner**

Date: 2 July 2020

- ☐ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☐ I have reviewed the details of this development application and I also certify that Section 7.11 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.



Signed:

**M Rivera
Planner**

Date: 3 July 2020

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Demolition Plan	ARC061	4 March 2020	A	Ultra Design and Engineering – received by Council 23 April 2020
Site & Ground Floor Plan	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Ground Floor Plan	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
First Floor Plan	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Northern and Southern Elevation Plan	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Western and Eastern Elevation Plan	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Section A-A Plan	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Roof Plan	ARC061	9 June	B	Ultra Design and Engineering – received

		2020		by Council 19 June 2020
Swept Paths	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Swept Paths	ARC061	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Stormwater & Sediment Control Plans	ARC061 Sheet 1 of 2	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Stormwater Plan and Details	ARC061 Sheet 2 of 2	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Landscape Plan	ARC061 Sheet 1 of 1	9 June 2020	B	Ultra Design and Engineering – received by Council 19 June 2020
Waste Management Plan	-			23 April 2020
BASIX Certificate	No.1085011S	20 April 2020	-	23 April 2020
BASIX Certificate	No.1084951S	20 April 2020	-	23 April 2020
Flood Impact Assessment	-	15 April 2020	-	Ultra Design and Engineering – received by Council 23 April 2020
Finishes Schedule	-	-	-	23 April 2020

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 40.285m AHD to the roof ridge of the building.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

3. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website www.strathfield.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9748 9999.

4. Vehicular Crossing - Minor Development

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council’s Website at www.strathfield.nsw.gov.au. Lodge the application form, together with the associated fees at Council’s Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council’s adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council’s specifications applicable at the time, prior to the issue of an Occupation Certificate.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. Transport for NSW

1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth, along the Juno Parade boundary.
2. The redundant driveway on Juno Parade are to be replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Juno Parade shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

4. Sight distances for the proposed vehicular crossing on Juno Parade are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
5. All vehicles are to enter and exit the site in a forward direction.
6. All vehicles are to be wholly contained on site before being required to stop.

7. The driveway shall be provided for vehicular shared access between units 1 and 2 at 101 Juno Parade. To ensure that vehicles can legally use the proposed driveway, an easement shall be created over both units 1 and 2 at 101 Juno Parade and the easement shall be extended for the full length of the driveway and turn around areas. This easement shall be created and placed on the 88B Instrument to Council's satisfaction and prior to the release of the 'Occupation Certificate' for the development.

The full length and width of the driveway shall be constructed prior to the release of the 'Occupation Certificate' for the development.

8. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Juno Parade.
10. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Juno Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

6. Road Noise

The site is affected by noise from Juno Parade. An Acoustic Report prepared by a suitably qualified acoustic consultant shall be submitted demonstrating that the development has been designed with measures of acoustic attenuation to meet the internal noise levels specified in Clause 102 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

The measures of acoustic attenuation shall be reflected on the Construction Certificate plans.

7. Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

8. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

9. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

10. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 3,326
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 10,000.00
Administration Fee for Damage Deposit	\$ 127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 0
Strathfield Section 94 Development Contributions – Local Open Space	\$ 3,016.96
Strathfield Section 94 Development Contributions – Major Open Space	\$ 13,709.85
Strathfield Section 94 Development Contributions – Community Facilities	\$ 3,013.35

Strathfield Section 94 Development Contributions -
Administration

\$ 259.83

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the consent being acted upon.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

11. Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$12,200**.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

12. Tree Bond

A tree bond of \$10,000(calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

13. Site Management Plan

Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

14. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1085011S and 1084951S must be implemented on the plans lodged with the application for the Construction Certificate.

15. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

16. Stormwater System

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

17. Detailed Stormwater Drainage Design

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

18. Driveway Surface Waters

For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.

19. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by Ultra Design & Engineering

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Protection of the basement from inundation of surface waters

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

20. Waste Management Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

21. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

22. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

23. Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

24. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
	Brush Box	Council Verge	3m

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Excavation works near tree to be retained

- Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- Hand excavation is required for construction of the driveway with 48 hours' notice provided to Council prior to any excavation being undertaken.
- Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

25. Tree Replacement

An additional tree planting shall be accommodated within the Council verge of the property.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

26. Allocation of Street Addresses

In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Strathfield Council's requirements, the street addresses for the subject development must be allocated as follows:

Proposed Lot No. (as currently shown on plans)	Proposed Unit/ lot Number	Location within development	Proposed street address to comply with AS/NZS 4819:2011 and NSW Addressing Manual
Unit 1 / Lot 1	Unit 2 / Lot 2	Far western portion of site	2/101 Juno Parade, Greenacre
Unit 2 / Lot 2	Unit 1 / Lot 1	Far eastern portion of site	1/101 Juno Parade, Greenacre

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

27. Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

28. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

29. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

30. Dial Before You Dig

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

31 Registered Surveyors Report - During Development Work

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

32. Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

DURING CONSTRUCTION

33. Site Sign – Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

34. Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

35. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

36. Construction Management Plan

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

37. Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

38. BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

39. BASIX Compliance Certificate

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

40. Completion of Landscape Works

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

41. Restriction to User and Positive Covenant for On-Site Detention Facility

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

42. Stormwater Certification of the Constructed Drainage Works (Minor)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

43. Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.

- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

44. Vehicular Crossing - Minor Development

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

45. Stormwater Drainage Works – Works As Executed

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

46. Flood Prone Land – Survey of Levels

A registered surveyor shall verify the levels of the design runoff overland flow path and finished floor levels to Australian Height Datum. The surveyor is also to verify that the flow paths and finished floor levels have been built to the design levels, dimensions and surface finishes as specified in the approved plans.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

47. Site works to be completed prior to issue of Subdivision Certificate

The following works shall be completed prior to the issue of the Subdivision Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans.
- (c) Replace all redundant vehicle crossing laybacks with kerb and guttering, and

redundant concrete with turf.

- (d) A Final Occupation Certificate shall be obtained from the PCA upon completion of the construction works required by the approved Construction Certificate.
- (e) Sydney Water's Section 73 Compliance Certificate.

48. Final Subdivision Plan Requirements

A final Subdivision Plan shall be prepared by a Registered Surveyor. The plan should include (but not be limited to) the following:

- i. Driveway;
- ii. Garage;
- iii. First floor of each dwelling; and
- iv. Shared wall and turning bay area as common property.

The final plan of subdivision is to be submitted and approved by the Principal Certifying Authority.

OPERATIONAL CONDITIONS (ON-GOING)

49. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

50. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

51. Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued.

52. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

53. Notification of Critical Stage Inspections

No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

54. Notice of Commencement

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

55. Subdivision Work – Construction Certificate & Appointment of PCA.

Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued; and
- (b) The applicant has appointed a PCA for the subdivision work.

No later than two days before the subdivision work commences, the PCA must notify:

- (c) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (d) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the subdivision work.

56. Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

57. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

PRESCRIBED CONDITIONS

60. Clause 97A – BASIX Commitments

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

61. Clause 98 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

62. Clause 98A – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

63. Clause 98B – Home Building Act 1989

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

64. Clause 98E – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage

ADVISORY NOTES

1. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

2. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

4. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

Strata Subdivisions

- (a) Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (b) Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.

- (c) Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.
- (d) All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

SYDNEY WATER SECTION 73 CERTIFICATES

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

Electricity Supply

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.